

**STATE OF VERMONT
BOARD OF NURSING**

In re: Brian Douglas Zalesky
Applicant

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Docket No. NU-43-0105

Appearances:

Petitioner, State of Vermont: Edward G. Adrian

Respondent: Did not appear

Presiding Officer: Larry S. Novins

DEFAULT ORDER

The Board held a hearing on the above matter on September 12, 2005 at the Central Vermont Medical Center in Berlin, Vermont. The Respondent did not attend and was not represented by counsel.

Findings of Fact

1. As an applicant, Mr. Zalesky is subject to the regulatory authority of this Board. 3 V.S.A. §§ 129, 129a, 814(d), 26 V.S.A. §§ 1595 and 1598, the Administrative Rules of the Board of Nursing and the Rules of the Office of Professional Regulation.
2. Mr. Zalesky's application was preliminarily denied in December 2004. He requested a hearing, then the charges herein were filed.
3. Notice of the Specification of Charges filed on June 29, 2005 was mailed to Mr. Zalesky at his last known address.
4. The envelope indicates that the notice was unclaimed, then forwarded to another address before being returned to the Office of Professional Regulation on August 18, 2005.
5. Mr. Zalesky has not filed an answer to the charges.
6. Notice of the default hearing scheduled for September 12, 2005 was mailed to Mr. Zalesky's forwarding address by certified mail on September 1, 2005. The file contains no return on this mailing.
7. The Respondent has still not answered the charges against him.
8. Upon hearing the State's presentation and taking notice of its own file, the Board finds the Respondent to be in default. The allegations contained in the State's specification of charges dated June 28, 2005 (copy attached) are therefore treated as the facts on which the Board's order is based. OPR Rule 3.4, 3 V.S.A. § 809(d) and 3 V.S.A. §

814(c).

Conclusions of Law

The Respondent has received adequate notice of the charges against him as indicated by the Board's file and the State's presentation. Because the Respondent has failed to answer the charges against him, the State's factual allegations are treated as if proved. O.P.R. Rule 3.4. Accordingly, the Board finds, in the default hearing held pursuant to 3 V.S.A. §809(d), that the Respondent has engaged in the unprofessional conduct alleged in the State's Specification of Charges.

Order

In accordance with the above Findings of Fact and Conclusions of Law unprofessional conduct is found.

No future application for licensure from Mr. Zalesky will be considered or reviewed by the Board until Mr. Zalesky shows, that he has a valid nursing license in good standing in Texas and Arizona.

Appeal Rights

This is a final administrative determination by the Vermont Board of Nursing.

A party aggrieved by a final decision of a board may appeal this decision by filing a written Notice of Appeal with the Director of the Office of Professional Regulation, Vermont Secretary of State, 26 Terrace Street, Drawer 09, Montpelier, Vermont 05609-1106 within 30 days of the entry of this order.

If an appeal is filed, the Director of the Office of Professional Regulation shall assign the case to an appellate officer. The review shall be conducted on the basis of the record created before the board. In cases of alleged irregularities in procedure before the board, not shown in the record, proof on that issue may be taken by the appellate officer. 3 V.S.A. §§ 129(d) and 130a.

If you wish to request a stay of the Board's decision, please refer to the attached stay instructions.

Vermont Board of Nursing

By: Susan Farrell
Susan Farrell, R.N.
Chair

Date: 9.12.05

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 9/14/05

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
BRIAN DOUGLAS ZALESKY) Docket No. APP-NU-43-0105
Applicant)

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Applicant, Brian Douglas Zalesky:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to deny an application for registration, licensure or relicensure, issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Applicant or Licensee has engaged in unprofessional conduct. 3 V.S.A. §129(a)(5); 3 V.S.A. §814(d); 26 V.S.A. §1582(a); the Administrative Rules of the Board of Nursing; and the Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. Having made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(1).
4. The inability to practice nursing competently by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
5. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(2).
6. "Any cause" includes, but is not limited to, reasons of physical or mental disability pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(C).

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107

7. Having a mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(6).

Statement of Facts

8. On or about August 30, 2004, Brian Douglas Zalesky ("the Applicant") sent to the Vermont Board of Nursing an Application for Licensure by Endorsement as a Registered Nurse.

9. The Board preliminarily denied the Applicant's license on December 14, 2004 based upon the Applicant having been issued a Cease and Desist Order on November 19, 2004 by the Board of Nurse Examiners for the State of Texas due to events that indicate that the Applicant is unsafe or incompetent to practice as a nurse. (See Attachment A).

10. On January 19, 2005, the Arizona State Board of Nursing indefinitely suspended the Applicant's nursing license pending completion of a psychiatric evaluation with a determination of safety to practice. The Applicant's license in Arizona currently remains suspended. (See Attachment B).

11. In addition, on his application sent to the Vermont Board of Nursing, the Applicant stated "No" to the question of "Has any state or federal licensing authority restricted, suspended, revoked or taken any other disciplinary action against a license, certificate, or registration that you hold or held in any profession or occupation?"

12. However, on November 29, 1989, the Board of Nurse Examiners for the State of Texas issued a reprimand against the Applicant's nursing license for administering Lidocaine to a patient, without a physician's order, into the area around a glass splinter in the patient's foot, and attempted to remove the glass himself. (See Attachment C).

Charges

13. The above acts, omissions and/or circumstances described above constitute grounds for discipline because the Applicant violated:

- i. 3 V.S.A. §129a(a)(3) (Failing to comply with provisions of federal or state statutes or rules governing the practice of the profession); and
- ii. 26 V.S.A. §1582(a)(1) (Having made or caused to be made a false, fraudulent or forged statement or representation in procuring or attempting to procure registration or renew a license to practice nursing); and

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
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iii. 26 V.S.A. §1582(a)(3) (The inability to practice nursing by reason of any cause), which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(B)(2). "Any cause" includes, but is not limited to, reasons of physical or mental disability pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Subchapter 4, (II)(C); and

iv. 26 V.S.A. §1582(a)(6) (Having a mental, emotional or physical disability, the nature of which interferes with ability to practice nursing competently).

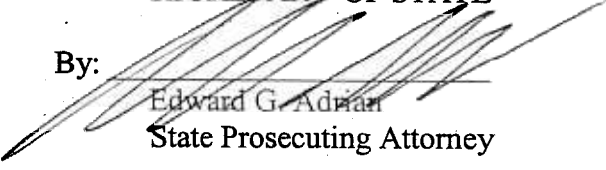
Relief Requested

WHEREFORE, the Application for Licensure by Endorsement as a Registered Nurse submitted by Brian Douglas Zalesky should be denied.

Dated at Montpelier, Vermont this 28 day of June 2005.

STATE OF VERMONT
SECRETARY OF STATE

By:


Edward G. Adrian
State Prosecuting Attorney

nu.zalesky.soc

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
9 Baldwin Street
Montpelier, VT
05609-1107



Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: www.bnet.state.tx.us

Katherine A. Thomas, MN, RN
Executive Director

RECEIVED A.S.B.N.
2004 NOV 29 PM 2:38

November 19, 2004

Certified Mail Number 7003 3110 0003 3442 1550

Return Receipt Requested

Brian Douglas Zalesky

PO Box 387

Judson, Texas 75660

Re: RN Multistate privilege in Texas

CEASE AND DESIST ORDER

Dear Mr. Zalesky:

The Board of Nurse Examiners for the State of Texas has become aware of certain events that indicate you may not be safe and competent to practice nursing and that you may have violated the Nursing Practice Act. The events generally involve your lack of fitness to safely practice nursing.

Summary of Events

You are licensed as a registered nurse by the Board of Nursing for the State of Arizona, a member of the Nurse Licensure Compact which allows you the privilege of working in member states. The Board of Nurse Examiners for the State of Texas is also a member of the Nurse Licensure Compact. From September 1, 2004 through September 16, 2004, while employed in the State of Texas utilizing a multi-state compact privilege through your Arizona license to practice professional nursing at Rusk State Hospital, Rusk, Texas, you may have lacked fitness to safely practice nursing in that you expressed yourself in grandiose and bizarre delusions which included the following:

- you claimed you dated several movies stars;
- you claimed to have made movies with Arnold Schwarzenegger;
- you claimed to have been Britney Spears' babysitter and that you gave her parents \$10,000 and allowed them to stay in your house in California;
- you stated that Nicole Simpson was not dead but being held in Northern California by agents of the government;

Members of the Board

Joyce Adams, PhD, RN Houston	Thomas Burton, MA, RN Pampa	Deborah Ehl, CLU, ChFC Abilene	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Harlingen	Brenda Jackson, PhD, RN San Antonio	Beverley Jean Nutall, LVN Bryan	
Anita Palmer, ME, MA Odessa	Phyllis Rawley, CPC Vice-President	Linda Rounds, PhD, FNP, RN President	Frank Sandoval, Jr., J.D. San Antonio	

Attachment A

- you claimed you were paid to make a movie where you shot a policeman, which was sold to a news agency;
- you claimed to own a multi-million dollar mansion in California which you rent out to movie stars;
- you claimed to have dual citizenship in Russia and United States and that you shot a man in the face while he was raping a woman. You also stated that you served five (5) years in a Russian prison for this offense but were released in one (1) year for good behavior;
- you claimed to have lead an adventurous life and that you "ran away from nursing" at the age of 27 and moved from Arizona to California; and
- you claimed to have worked in a private psychiatric facility in Austin, and stated that the Mafia would come and take away people that worked there if they said anything bad about the hospital.

The evidence received is sufficient cause pursuant to section 304.001, Article 5(c), Texas Occupations Code, to revoke your multistate licensure privilege in the State of Texas.

On October 12, 2004, you were provided notice of these allegations by certified mail, return receipt requested, to your address of record.

Nursing Practice Act Violations if the Allegations are True

The evidence indicates that you may have violated the Nursing Practice Act, Texas Occupations Code § 301.452(b)(10), & (12) and 22 Texas Administrative Code § 217.12 (12).

- Lack of fitness to practice because of a mental or physical health condition that could result in injury to a patient or the public.

Legal Remedy and/or Options for Resolution

For the reasons stated above, the Board of Nurse Examiners for the State of Texas orders you to CEASE AND DESIST from the practice of nursing in Texas. The Board is allowed to "take adverse action affecting the multistate licensing privilege to practice in that party state." TEX. OCC. CODE ANN. § 304.001, Article 5(c). The Board may also "issue a cease and desist order to limit or revoke a nurse's authority to practice in the state." *Id.* Article 6(a)(3). You must immediately CEASE AND DESIST from the practice of nursing in Texas based on your compact privileges granted through your home state, Arizona.

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PROFESSIONAL)
NURSE LICENSE NO.: RN120759)
ISSUED TO:)
BRIAN DOUGLAS ZALESKY)

RESPONDENT)

**CONSENT AGREEMENT
AND
ORDER NO. 0411070**

CONSENT AGREEMENT

A complaint charging Brian Douglas Zalesky (hereinafter "Respondent") with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter "Board"). In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter:

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent holds Board issued professional nurse license no. RN120759.
2. On or about August 8, 2003, in Surprise Police Department DR#33076, Respondent was arrested for DUI after attempting to drive away from a bar. According to the police report, Respondent staggered, wobbled, smelled of alcohol, and had bloodshot eyes. Respondent told the arresting officer he was an F.B.I. agent, and informed them he worked under an alias of "John Reed." According to Respondent, the DUI arrest was orchestrated as a way of placing him into protective custody as part of a Witness Protection Program. According

Attachment B

to Respondent, the arresting officers "ID'd" him under the name John Reed because to protect his identity as part of the Witness Protection Program. Respondent stated he has not consumed alcohol for long time.

On or about December 8, 2003, Surprise Municipal Court issued a warrant for Respondent's failure to appear in court DUI charges. Respondent still has an active warrant for his arrest. According to Respondent, he did not appear in court because he had already been relocated, and instructed by the F.B.I. not to go back, so could not appear

On or about October 21, 2003, in Surprise Police Department DR# 34 76 Respondent placed gun into his mouth, removed it, and fired several shots into the floor of residence. According to Respondent, the gun discharged while it was jammed and he was fixing it. According to Respondent, no charges were filed and all claims were dismissed.

From on or about September 1, 2004 to September 16, 2004. Respondent employed as professional nurse and worked his multi-state compact privilege at Rusk State Hospital in Rusk Texas. During his employment, Respondent made comments to other staff about his personal history that were interpreted as grandiose and delusional. According to Respondent, the staff at Rusk State Hospital was untrained and non-professional.

6. On or about September 16, 2004, Respondent's employment from Rusk State Hospital terminated because Respondent was unsuited for the duties of his position.

On or about November 2004, the Texas Board of Nurse Examiners issued Cease and Desist Order and formal Statement of Charges against Respondent (see attached Exhibit A, incorporated herein by reference).

On or about December 15, 2004, Respondent told Board staff many of his comments to co-workers at Rusk State Hospital were taken out of context. Respondent stated

he worked briefly in the California movie industry in 1992, 1998, 2001, and 2003.

9. On or about December 15, 2004, Respondent told Board staff that in 1992, he had met and dated a young girl named Sara Michelle Gellar. At the time, she was not an actress.

10. On or about December 15, 2004, Respondent told Board staff that in 1992, he met the actor Arnold Schwarzenegger, who allowed Respondent and his crew to stay at his house for three days for set ups and interviews.

11. On or about December 15, 2004, Respondent told Board staff that in 1992, he was involved as a line reader for one take in one scene in the filming of the movie "Swordfish."

12. On or about December 15, 2004, Respondent told Board staff that in 1992, he met vocalist Britney Spears, who was then a child. Respondent stated he and other crewmembers told stories to Spears and other children who stayed on the movie set. Respondent stated in 1998, Spears recognized him through the lights and music when she was working on a video, and threw down her microphone and ran over to him.

13. On or about December 15, 2004, Respondent told Board staff that in 1992, he met the actor Keanu Reeves. Respondent stated in 1998, after Reeves expressed to him the desire to leave California, he sold Reeves a piece of property in Fairfax County, Virginia.

14. On or about December 15, 2004, Respondent told Board staff that he had dual citizenship in Russia, and that he spent a couple of days in a Russian jail after he slapped someone there.

15. On or about December 15, 2004, Respondent told Board staff that in 1998, while working as a member of a crew on a pornographic movie, he saw an actress who appeared to be drugged and not acting on her own volition. Respondent stated the film director was

arrested as result, and Respondent testified at the trial. Respondent stated that as result, he was placed in Witness Protection Program, of which he is still part.

On or about December 2004, Respondent denied any past current psychiatric problems, and denied he took any medications. Respondent offered to undergo psychiatric evaluation to clear things up. Respondent has cooperated fully with the Board's investigation.

CONCLUSIONS OF LAW

Pursuant to A.R.S. § 32-606, 32-1663, and 32-664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663(D) as defined in A.R.S. 32-1601 (16) (d), (e), and (j), and A.A.C. R4-9-403 (25).

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. 32-1664(N) to revoke, suspend or take other disciplinary action against the license of Respondent to practice as professional nurse in the State of Arizona.

Respondent admits the Board's Findings of Fact and Conclusions of Law.

In lieu of formal hearing on these issues, Respondent agrees to issuance of the attached Order and waives all rights to hearing, rehearing, appeal or judicial review relating to the Order except in the limited circumstance(s) specified in Paragraph 9 of Terms of Suspension.

Respondent understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

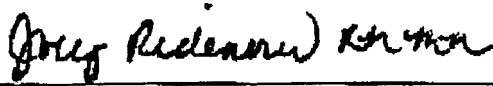
Respondent understands that those admissions are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board and Respondent. The effective date is the date the Consent Agreement is signed by the Board and Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.


 Respondent
 Dated: 2-4-05

ARIZONA STATE BOARD OF NURSING


 Joey Ridenour, R.N., M.N.
 Executive Director

Dated: January 19, 2005

MUNGER/RN120759

ORDER

In view of the above Findings of Fact, Conclusions of Law and the consent of Respondent, the Board hereby issues the following Order:

A. Respondent's consent to the terms and conditions of the Order and waiver of public hearing are accepted.

B Respondent's license is placed on suspension for an indefinite period of time pending completion of psychiatric evaluation with determination of safety to practice.

C This Order becomes effective upon the Board and the Respondent's acceptance of the Consent Agreement. The effective date is the date the Consent Agreement is signed by the Board and the Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

D If Respondent is noncompliant with any of the terms of the Order Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline Respondent's nursing license.

E If Respondent is convicted of felony, Respondent's license shall be automatically revoked for period of five years. Respondent waives any and all rights to hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.

F If Respondent fails to renew his license and it remains expired for two or more years, Respondent's license will automatically be revoked. Respondent waives the right to hearing, rehearing, appeal, or judicial review relating to this Order except in the limited circumstances specified in Paragraph 9 of the Order.

G The suspension is subject to the following terms and conditions:

TERMS OF SUSPENSION

Surrender of License

Respondent agrees to immediately surrender Respondent's license to the Board and will not practice nursing for an indefinite period of time, pending completion of psychiatric evaluation with determination of safety to practice.

2. Psychiatric Evaluation

Prior to the termination of Suspension, Respondent shall make an appointment to undergo a psychiatric evaluation by a Board-approved psychiatrist. Respondent shall execute the appropriate release of information form(s) to allow the evaluator to communicate information to the Board or its designee. Prior to the evaluation, Respondent shall furnish a copy of this Consent Agreement and Order to include Findings of Fact, Conclusions of Law, and Order to the evaluator who shall verify receipt of the Consent Agreement and Order to include Findings of Fact in a written report on letterhead to the Board. Respondent shall direct the evaluator to provide a report to the Board summarizing the evaluation within thirty days after the evaluation is completed.

The report shall include a history and physical, relevant laboratory data if appropriate, psychological testing if appropriate, recommendations for treatment, if any, and an assessment as to Respondent's ability to function safely in nursing. If it is recommended that Respondent undergo medical treatment and/or psychological therapy or counseling, Respondent shall, within seven days of notification of the recommendation(s), provide to the Board or its designee for prior approval, the name and qualifications of treatment professional(s) with appropriate level of expertise of Respondent's choice. Upon approval of the treatment professional(s), Respondent shall provide a copy of the entire consent agreement which the treatment professional(s) shall verify in writing on letterhead in their first report to the Board. Respondent shall undergo and continue treatment until the treatment professional(s) determines and reports to the Board in writing and on letterhead, that treatment is no longer considered necessary. Respondent shall have the treatment professional(s) provide written reports to the

Board every three months. The Board reserves the right to amend this Order based on the evaluation results or the treatment professional's recommendations.

3. Obey all Laws

Respondent shall obey all federal, state and local laws, and all laws/rules governing the practice of nursing in this state. Offenses such as driving under the influence may subject Respondent to further disciplinary action, commission of minor civil moving traffic violations are excluded.

4. Interview with the Board or its Designee

Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

5. Change of Employment/Personal Address/Telephone Number

Respondent shall notify the Board, in writing, within one week of any change in employment, personal address or telephone number

6. Renewal of License

In the event the license is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the license and pay the applicable fee.

7. Release of Information Forms

Respondent shall immediately execute all release of information forms as may be required by the Board or its designee.

8. Costs

Respondent shall bear all costs of complying with this Order.

9. Violation of Suspension

If Respondent violates this Order in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may revoke Respondent's license or take other disciplinary action. If a complaint is filed against Respondent during suspension, the Board shall have continuing jurisdiction until the matter is final, and the period of suspension shall be extended until the matter is final.

10. Voluntary Surrender of License

Respondent may, at any time this Order is in effect, voluntarily request surrender of his license.

11. Completion of Suspension

Following successful completion of a psychiatric evaluation with a determination of safety to practice, Respondent shall make a request, in writing, to the Board for

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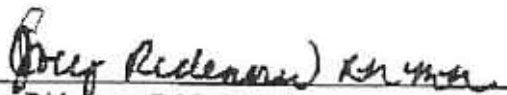
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review of the terms of suspension and to determine the status of Respondent's license.

ARIZONA STATE BOARD OF NURSING

SEAL


Joey Ridehour, R.N., M.N.
Executive Director

Dated: January 19, 2005

JR/SMM:mlf

COPY mailed this 28th day of January, 2005, by First Class Mail, to:

BRIAN ZALESKY
P.O. BOX 387
JUDSON, TX 75660

By: _____
Legal Secretary

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Permanent Certificate
Number 548885 issued to
BRIAN DOUGLAS ZALESKY

§
§
§

ORDER OF THE BOARD

To: Brian Douglas Zalesky
7630 Woodhollow, #165
Austin, Texas 78731

The Board of Nurse Examiners for the State of Texas in a regularly scheduled meeting held on the _____ day of November, 1989, considered the conduct of BRIAN DOUGLAS ZALESKY, Permanent Certificate Number 548885.

At the meeting, Dr. Ellen Piwetz, R.N., President of the Board, presided and the following members were present:

Mrs. Pauline Barnes, R.N.
Dr. Lynn C. Besselman
Mrs. Sara J. Keele, R.N.
Dr. Teddy L. Langford, R.N.

Mr. Morris H. Parrish
Mrs. Pettey C. Ross, R.N.
Mrs. A. Joanna Seamans, R.N.
Mrs. Patsy Sharpe

Following receipt of information, BRIAN DOUGLAS ZALESKY agreed to a consent to Board Order from the Board of Nurse Examiners. Respondent, was not present at the Board of Nurse Examiners scheduled hearing but did appear at a hearing before the Executive Secretary. Testimony and other evidence was received by the Board and, as a result thereof the Board makes the following Findings of Fact and Conclusion of Law.

Attachment C

FINDINGS OF FACT

1. BRIAN DOUGLAS ZALESKY, hereinafter referred to as "Respondent", is currently licensed to practice professional nursing in the State of Texas.
2. On or about July 2, 1989, Respondent, while employed with Austin State Hospital, Austin, Texas, received an order to obtain 1% Lidocaine for local anesthesia. Respondent administered the Lidocaine, without a physician's order, into the area around a glass splinter in the patient's foot, and attempted to remove the glass himself.
3. Respondent is currently employed by Austin State Hospital, Austin, Texas.
4. Respondent desires to continue his career in professional nursing.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter.
2. Based upon the evidence received, Respondent is in violation of applicable Texas law, the aforementioned action and conduct, in the opinion of the Executive Secretary, constitutes unprofessional conduct.

ORDER

IN VIEW OF THE FINDINGS OF FACT, it is hereby Ordered that license number 548885, heretofore issued to BRIAN DOUGLAS ZALESKY, to practice professional nursing in the State of Texas, be issued a reprimand.

The Board admonishes BRIAN DOUGLAS ZALESKY, that the prime objective of the nursing profession is to render service to humanity and whoever chooses this profession assumes the obligation to conduct themselves in accordance with Nursing Standards and obey the laws of the State of Texas.

IT IS FURTHER ORDERED AND THE BOARD FINDS, in accordance with Article 6252-13a, 16(c), Revised Civil Statutes of Texas, as amended, that an imminent peril to the public health, safety, or welfare requires immediate effect of this Order and the same shall be effective on the date herein below rendered.

Entered this 29th day of November, 1989.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:

Louise Waddill
Louise Waddill, R.N., Ph.D.
Executive Secretary on behalf
of said Board